

Minutes of September 17, 2012  
Board of Selectmen

PRESENT: Richard Griffin, Chairman  
Richard Nichols, Vice Chairman  
Michael Pierce, Selectmen  
Philip Bean, Selectmen  
Ben Moore, Selectmen  
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Public Hearings

1. Old Mill Pond Dam - Lowering the water

Mr. Welch read the legal notice. Mr. Jacobs explained the reason for the public hearing; under an order of the DES, the dam water needs to be lowered in order to remove silt and debris by hand that is mucking the water.

Mary-Louis Woolsey, 148 Little River Road, asked how low the water would be dropped and it would be about a foot.

Arthur Moody, 5 Thompson Road; asked if the Fish and Game removed any fish? Not to the Town's knowledge.

Mr. Moore asked if any investigation work would be done and if additional removal of vegetation will be done; yes this will assist us with the orders regarding the Dam; and the engineering regarding the alternatives regarding the pond. Is it in the operating budget or a warrant article. It will be in both.

Mr. Pierce asked about whether there is a question that we could not have to fix it and just let the water run through, by lowering the water slowly. No, it can't be presently done that way.

Public Hearing was closed.

2. Lafayette Road/Winnacunnet Road Intersection Improvements & Signal Coordination Project

Mr. Noyes gave an introduction and history of the project. The Town has selected Hoyle, Tanner & Associates of Manchester to engineer this project. The original preliminary project estimate that was developed in 2010 was \$240,000. The revised cost estimate based on the results of the preliminary design has increased to \$560,000. The Town had previously budgeted \$48,000 as its share and in order for the project to precede the Town would have to agree to budget an additional \$64,000 for the project.

During the preliminary design work it was discovered that the sewer collection system underneath the intersection is in very poor condition. It makes economic sense and it is their recommendation to do this work prior to the intersection reconstruction project with a preliminary estimate cost of \$550,000. Mr. Noyes introduced Chris Mulleavey of Hoyle, Tanner & Associates who provided a description of the proposed project.

#### Comments from the public

Several members of the public made comments or asked questions which were addressed and answered by Mr. Noyes and associates of Hoyle, Tanner & Associates.

A representative from Pegasus' Management expressed concerns with residents wanting to turn left out of Old Hampton Village which were addressed by the staff of Hoyle, Tanner and Associates.

Mary Louise Woolsey questioned the price and whether it is a firm price. She also discussed the sewer/drainage work. She also shared her opinion on signal synchronization.

John Tinios, owner of Galley Hatch, shared positive comments in regards to this project. He shared some suggestions on including right and left turn lanes. He mentioned green space remaining and sign for Hampton Beach. Mr. Moore asked Mr. Tinios about his employee parking & dumpster area. They also had a discussion about curb cuts and the importance of this.

Tony, a resident of Hampton, agrees that this is long overdue. He is a civil engineer and expressed concern with making sure a good firm is chosen. He would like to discuss a roundabout for this area. He also mentioned curb cuts and trees blocking some views. He brought up crosswalks and sidewalks.

Judy Parks, 3 Wentworth Ave, asked about the number of cars that can be in right turn lane, cost of maintaining the lights, benefits of synchronization of lights, this light will only add to traffic issues in this area, accidents happen because there are a lot of bad drivers out there and lastly she is not in favor of this project and hopes they consider some of the alternatives.

Arthur Moody asked about or made comments as follows: the total cost including sewer repairs, discussed sewer projects done in past, not sure the project is worth the cost, likes plan 2 better, thinks this will still need to go to Town meeting, encumbrance last year for \$48,000 and need for public hearing, Town's portion must come from funds set aside for said project, discussed selling of land to Galley Hatch and Citizens Bank through a warrant article in the past and first traffic light in 1924 did go to Town meeting and passed. So he is asking that this go to Town meeting for vote and brought up CMAQ and spoke why this wouldn't get past this organization. He brought up the need for pedestrian buttons and how this is going to mess things up further. The air quality is not going to be improved by adding an additional light.

The owner of the gas station on the corner is in support of this project. He mentioned how this promotes the downtown area and makes it easier for people to walk around.

John Tinios commented on the pedestrians and how difficult it is for people to cross currently at this intersection. Mr. Tinios reiterated that this is long overdue and brought up how this project was going to happen in 1978.

Public portion was closed and brought back to the Board for questions.

The following members of the Board made comments or asked questions as follows which were addressed and answered by either Mr. Noyes or members of Hoyle, Tanner & Associates.

Mr. Pierce made comments or asked questions as follows: curb cuts location in relation to an intersection especially the entrance to Galley Hatch, starting cost of project going from just over \$200,000 to over a million, study about traffic flow in relation to lights, how traffic backs up from the light at High Street and synchronizing lights won't help the traffic in his opinion.

Mr. Moore asked questions or made comments as follows: was a roundabout considered as an alternative and the money that has been encumbered and needs to be found.

Mr. Bean asked questions or made comments as follows: two projects one being underground infrastructure and the other being a light, had Mr. Noyes discuss in further detail the discovery of underground problems with sewer, willing to put this under the DPW capital improvement plan, asked Mr. Noyes professional opinion on whether this intersection is a safe one and the fact that this intersection is dangerous. Mr. Noyes discussed projects currently in CIP in regards to the completion of work on Exeter Road and how this project can replace that one if that is what the Board wants.

Mr. Nichols made comments or asked questions as follows: believes discussion began in 2010, simple issue when it started obvious safety issues, money to encumber, funding from the Feds, taxpayer now needs to come up with \$610,000 so it now becomes bigger, not saying it's a bad idea now but just need to look at it closer, prioritizing things in CIP for DPW, statistics in regards to 22,000 cars a year and 10 accidents, discussion on safety of intersection, possibility of signalization not being a good thing, effect of intersection at High Street and lastly discussed the sewer pipes in this and other areas with clay pipes possibly being a higher priority. Mr. Noyes discussed the clay pipes in Town and the plan that is in the process of being developed.

Mr. Moore made some additional comments: the Board needs to be cautious when making any decisions about the intersection, concerns with changes in the CIP cost on a regular basis, comfort feeling on where all these little pots of money are coming from, agrees it all needs to be done but need to figure when and how much, discussion on interceptor lines, wonders if expecting approval for cost of engineer study and what decision are they seeking tonight. There was a discussion on the differences in the amount of Mr. Noyes CIP. Mr. Noyes explained what he is looking for tonight which includes him needing to know where they go from here. So the question is are we going to go forward with the final design phase. They discussed the cost involved with this including what has been spent and the additional cost for the final design phase which will cost \$16,000 for the Town share.

Mr. Pierce was talking recently about priorities and he expressed concerns with 5 corners being more dangerous than this intersection.

Mr. Bean would encourage the engineers and DPW Director to muster outside the doors and come back to the Board for discussion on what they are looking for tonight. Mr. Noyes has a recommendation which he provided to the Board which includes: a warrant article in 2013 defining two projects, proceed with 2<sup>nd</sup> portion of design work if authorized by the State, authorize HTA to do the sewer work design, bid opening prior to the Deliberative Session,

bids contingent on funding at Town meeting, this will accomplish a number of things and this is the only way to move forward.

The following members of the Board asked about and commented on Mr. Noyes proposal above which Mr. Noyes addressed.

Mr. Pierce questioned about the need to do under the road work in one year and allowing the road to settle before additional work is done.

Mr. Moore thinks they need 2 motions one to waive the bidding process and the other to authorize an additional \$20,000 be spent on engineering services. Mr. Nichols pointed out that at this point the bidding process did not need to be waived until cost exceeded \$15,000. Mr. Moore thinks it is necessary to complete the design phase at this time to get a final cost and he shared his reasons why. Mr. Moore would be in favor of what Mr. Noyes is suggesting.

There was a discussion between Mr. Moore and Mr. Nichols in regards to cost spent so far and additional cost for design phase.

Mr. Nichols would have to have some level of confidence that he would support the \$610,000 before approving the spending of an additional \$23,000 now.

Mr. Bean would like the Board to move forward with the design phase.

Mr. Bean MOTIONED to spend an additional \$6,000 for Hoyle, Tanner & Associates to precede with phase II of the design for the intersection of Lafayette and Winnacunnet Road exclusive of the second project that DPW has identified as underground pipes. Mr. Moore SECONDED.

Discussion on motion

Mr. Moore does not think we should proceed with the road construction until the sewer portion is solved. He does think we should continue with the engineer work. He is in favor of the intersection but feels strongly that the sewer work would need to be done at the same time.

Mr. Pierce questioned whether the Feds are still going to provide the 80% match.

Mr. Nichols discussed cost again and questioned when they are going to approve the additional design cost of \$15,000 for sewer work.

Mr. Welch suggested that Mr. Noyes get a company in to run a camera down this sewer line within the next two weeks and Mr. Noyes will look into getting this done.

There was a discussion amongst the Board of proposing approval of both these items until the information is determined about the sewer lines.

VOTE: 3-1(Pierce)-1(Nichols)

## II. Public Comment Period

Arthur Moody asked about the third hearing.

The Board was not aware of a third hearing and this was not on the agenda.

Mr. Moody read the legal notice from the Hampton Union. Mr. Moody asked about the fact that the agenda item about meeting every other week is not on the agenda. He also made a general comment in regards to intersections and laws about turning right on red. He shared some history on other intersections in Town and projects done in the past.

Tony Ciofi, a resident of Hampton made a comment about the crosswalk in front of the Town Hall and the safety issues with this crosswalk especially during school hours. He would suggest removing this crosswalk.

### III. Announcements and Community Calendar

Mr. Pierce announced that he is still in need of 10 mice for his PC in schools program.

Mr. Moore mentioned the Art Walk and included the details of the event that will take place on Oct 3<sup>rd</sup> and 4<sup>th</sup>. He also mentioned the Historical Society Tavern walk on Oct 13<sup>th</sup> details to come.

### IV. Appointments

1. Donna Bennett, Tax Collector
  - a. Tax Deeding

Mrs. Bennett provided the Board with the list of 9 and informed them that numbers 3, 7 and 8 paid and need to be removed leaving 6 properties. She went through some details of the report.

#### Discussion

Mr. Pierce asked about a particular property and expressed his concerns with this property which were addressed by the Attorney for this property owner.

Mr. Nichols MOTIONED to Approve the Tax Collectors Tax Deeding on properties 1, 2, 4, 5, 6 and 9 referenced on chart from the Tax Collector with the heading 2009 Uncollected List as of 9/17/12. Mr. Pierce SECONDED.

VOTE: 5-0-0

2. Michael Schwotzer, Finance Director – Continued to September 24, 2012
  - a. Monthly Financials

### V. Approval of Minutes

1. Correction of August 07, 2012 Minutes

Page 1: Insert the following paragraph at the end. The Board voted unanimously to enter into the Non-public session under RSA 91-A:3,II.,(a) & (c) at 5:01 PM. The Board voted unanimously to seal the minutes, and concluded the non-public session at 6:19PM

Mr. Pierce MOTIONED to APPROVE the correction to the minutes of August 07, 2012 Non-Public. Mr. Moore SECONDED.

VOTE: 5-0-0

### VI. Town Manager's Report

1. The Federal Right-of-Way at Harbor Road has been referred to Senator Sheehan's Office with a request to file Federal Legislation to return the property to the landowners which is passes over.
2. SRF Loan documents have been completed to date and filed with DES.
3. The Tuck Grist Mill is being considered for inclusion in the State Register of Historic Places, it requires the Selectmen to sign off before it can be acted on by the State.
4. Request appointment of Michael Schwotzer as the Acting Town Manager for the period of October 15 to October 26<sup>th</sup>. In addition, it is requested that he be also appointed to act in the event that I must call in sick for any reason.

#### Other items

Mr. Welch pointed out that the last work day of the month is the 28<sup>th</sup> and this is a Friday so the Town Clerk closes at 11:30 so be sure to get in early if you need to register your vehicle. He added that LGC will hold two public hearings in regards to setting rates for 2013.

#### Discussion

The following members of the Board asked questions or made comments that Mr. Welch addressed.

M. Pierce asked about a note from Mr. Moody in regards to a property on Leavitt Road.

Mr. Nichols MOTIONED to appoint Mr. Schwotzer as Acting Town Manager from October 15<sup>th</sup> to October 26<sup>th</sup> and any other time until rescinded if the Town Manager is out sick. Mr. Pierce SECONDED.

VOTE: 5-0-0

## VII. 2013 Budget

### 1. Police Department

Chief Sullivan presented his budget to the Board including any significant changes. Chief Sullivan announced that Deputy Chief Sawyer will be attending the FBI National Academy.

#### Discussion

The Board asked questions or commented that either Chief Sullivan or Deputy Chief Sawyer addressed.

Mr. Bean asked about or commented as follows: congratulated Deputy Chief Sawyer and metrics for duty on State property which he went into detail on.

Mr. Nichols asked questions about: tuition reimbursement increase, overtime across all accounts up about \$73,000, training costs budgeted for police specials, cruiser purchases in 2012 and proposed for 2013, money coming out of detail account for cruisers and gasoline account in traffic control so low last year and amount budgeted.

Mr. Pierce asked questions about: training course being offered here in Hampton, wonders if doing the training here in Hampton will entice people, update for police network and DSL cost, overtime wages and electric accounts. Mr. Welch will be looking at electric cost across the Town.

Mr. Moore asked questions about: number of vehicles he is asking for is 4 and possibility of encumbering money for 2 vehicles with 2012 funds.

Chief Sullivan discussed the following additional items with the Board: need for a new vehicle now since one has been dead lined, SRO need for a vehicle, authorization to buy 2 Chevy Tahoe's, funding for these two vehicles one from Detail Fund and the other from asset forfeiture account they have, bids for the vehicles, cost right around \$30,000 each, need to go out to bid for the a/c unit and explained why this needs to be done at an estimated cost of \$24,000 and need to go out to bid for a new ATV at a cost of about \$15,000.

#### Discussion

The following members of the Board asked questions or commented which were addressed by Chief Sullivan and Deputy Chief Sawyer.

Mr. Moore asked about: Asset Forfeiture Account and spending guidelines, HVAC unit type and spending will come from either Detail or Asset Forfeiture account.

Mr. Nichols asked about: confirmed the amounts asking for and where the money will come from, balance in Asset Forfeiture, money from combination of Asset Forfeiture, Detail Fund and yearend savings and finally pulling some of the cruisers in next year's budget being purchased out of yearend savings.

Mr. Pierce asked Mr. Schwotzer about yearend savings which will be discussed next week during his report.

Mr. Moore MOTIONED to authorize the Chief to proceed and follow established bidding process for the 2 new vehicles, the HVAC repairs and the ATV. Mr. Pierce SECONDED.

VOTE: 5-0-0

The Animal Control budget was reviewed by Chief Sullivan. They discussed the vehicle aging and how the vehicles tend to rust out on the bottom.

Chief Sullivan asked the Board to pull item on the consent agenda in regards to the 26<sup>th</sup> Annual Walk by the Sea for him to review since it is the same day as the Smuttynose race.

Deputy Chief Sawyer went through the mounted patrol and the times they are out but the schedule is not set and they explained why.

#### VIII. Old Business

Mr. Moore asked about when the CIP report would be completed. Mr. Nichols explained the process they are currently going through with in regards to the CIP.

There was a discussion on warrant articles and deadlines set by the Board of Selectmen sponsored articles.

#### IX. New Business

##### 1. Manchester Street – Deteriorated Road Condition

Two residents of Manchester Street were present to discuss the condition of the road and the history on repairs that have been done. They also discussed drainage and need for catch basins.

## Discussion

Mr. Welch shared the history of the west side streets not being completed. He also discussed the drainage problem in this area. The whole street will need to be reconstructed.

Mr. Nichols asked if Manchester Street is one of the 7 streets, and Mr. Welch confirmed that it was. They are currently evaluating the sewer on these 7 streets to identify which ones are the worst. They discussed the cost of this type of project.

There was a discussion on the work being done by FST and the lack of matching funding from the State or Federal Govt.

### 2. IT Committee Mission Statement

Mr. Nichols commented that he has provided a copy for the Board and it has been approved by the IT Committee. He made some comments on what the statement includes.

Mr. Pierce MOTIONED to Approve the IT Committee Mission Statement. Mr. Moore SECONDED.

VOTE: 5-0-0

## X. Consent Agenda

1. Parade and Public Gathering License "Granite State Wheelman" 09-22-12
2. ~~Parade and Public Gathering License "26<sup>th</sup> Annual Walk by the Sea" 09-30-12~~
3. Hampton Cemetery Deed – Virginia F. Treat Estate

## Discussion

Mr. Nichols asked about the lack of information the Board received on one of the licenses above. Mr. Welch has all the same paperwork for both items.

Mr. Nichols MOTIONED to MOVE the Consent Agenda with the exception of Item #2. Mr. Pierce SECONDED.

VOTE: 5-0-0

## XI. Selectmen's Closing Comments - None

## XII. Adjournment

Mr. Bean MOTIONED to adjourn the public meeting. Mr. Moore SECONDED.

VOTE: 5-0-0

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Chairman